



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, APRIL 24, 2013

MATTHEW THORNTON ROOM

Members present: Phil Straight, Fran L'Heureux, Kevin Shea and Alternates Leonard Worster, Nathan Barry, and Richard Conescu.

Members absent: Tony Pellegrino and Patrick Dwyer.

Staff present: Planning and Zoning Administrator Nancy Larson, Assistant Planner Jeff Morrisette, and Recording Secretary Zina Jordan.

1. Call to Order.

Phil Straight called the meeting to order at 7:00 p.m., and designated Nathan Barry and Richard Conescu to sit for Tony Pellegrino and Patrick Dwyer, respectively.

2. Roll Call.

Fran L'Heureux led the pledge of allegiance. Richard Conescu read the preamble. Phil Straight swore in members of the public who would be testifying.

- 3. Jeff & Karen Grantham (petitioner/owner)** – Appeal of an Administrative Decision under Section 2.02.1(B)(2)(f) of the Zoning Ordinance that determined that, by providing an exterior doorway on the front of the Accessory Dwelling Unit (ADU), it becomes functionally independent of the Primary Dwelling Unit in the R-1 (Residential) District. The parcel is located at 9 Samuel J. Drive. Tax Map 6A, Lot 013-5. Case # 2013-06.

Applicant was represented by: Christel Caron, Trendezza Homes.

There was no public comment.

A motion to grant the appeal failed, on a vote of 2-3-0, on a motion made by Fran L'Heureux and seconded by Phil Straight. Kevin Shea, Nathan Barry and Richard Conescu voted in the negative.

The Board voted 3-2-0 to deny the appeal, on a motion made by Kevin Shea and seconded by Richard Conescu. Phil Straight and Fran L'Heureux voted in the negative.

- 4. Jeff & Karen Grantham (petitioner/owner)** – Administrative Appeal under Section 2.02.1(B)(2)(b) of the Zoning Ordinance that determined that the proposed “study” constitutes a second bedroom in an Accessory Dwelling Unit (ADU) in the R-1 (Residential) District. The parcel is located at 9 Samuel J. Drive. Tax Map 6A, Lot 013-5. Case # 2013-07.

Applicant was represented by: Christel Caron, Trendezza Homes; and Jeff Grantham, 9 Samuel J. Drive.

There was no public comment.

A motion to grant the appeal failed, on a vote of 2-3-0, on a motion made by Kevin Shea and seconded by Fran L'Heureux. Fran L'Heureux, Nathan Barry and Richard Conescu voted in the negative.

The Board voted 3-2-0 to deny the appeal, on a motion made by Nathan Barry and seconded by Fran L'Heureux. Phil Straight and Kevin Shea voted in the negative.

- 5. Jeff & Karen Grantham (petitioner/owner)** – Variance under Section 2.02.1(B)(2)(f) of the Zoning Ordinance to permit doorway on the front of an Accessory Dwelling Unit (ADU) in the R-1 (Residential) District. The parcel is located at 9 Samuel J. Drive. Tax Map 6A, Lot 013-5. Case # 2013-08.

Applicant was represented by: Christel Caron, Trendezza Homes.

Public comment was received from: Nancy Grantham, 34 Forge Village Road, Westford MA.

The Board voted 5-0-0 to grant the Variance, on a motion made by Kevin Shea and seconded by Fran L'Heureux.

- 6. Jeff & Karen Grantham (petitioner/owner)** – Variance under Section 2.02.1(B)(2)(b) of the Zoning Ordinance to permit a 12'x13' study, in addition to one bedroom in an Accessory Dwelling Unit (ADU) in the R-1 (Residential) District. The parcel is located at 9 Samuel J. Drive. Tax Map 6A, Lot 013-5. Case # 2013-09.

Applicant was represented by: Christel Caron, Trendezza Homes.

Public comment was received from: Don Grantham, 34 Forge Village Road, Westford MA.

The Board voted 5-0-0 to grant the Variance, on a motion made by Fran L'Heureux and seconded by Kevin Shea.

- 7. Jeff & Karen Grantham (petitioner/owner)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) in the R-1 (Residential) District. The parcel is located at 9 Samuel J. Drive. Tax Map 6A, Lot 013-5. Case # 2013-10.

Applicant was represented by: Christel Caron, Trendezza Homes.

There was no public comment.

The Board voted 5-0-0 to grant the Special Exception, with conditions, on a motion made by Richard Conescu and seconded by Nathan Barry.

- 8. Sandra McNeill (petitioner/owner)** – Variance under Section 3.05(1) of the Zoning Ordinance to permit the construction of a 5'x 9' foot mudroom entrance 25 feet from the front property line whereas 30 feet is required. The property lies within the R (Residential) and Aquifer Conservation Districts, located at 4A Edward Lane, Merrimack, NH. Tax Map 5C, Lot 655-1. Case # 2013-11.

Chairman Straight passed the gavel to Kevin Shea to chair the Board for Items 8 and 9.

Applicant was represented by: Sandra McNeill, 4A Edward Lane.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, on a motion made by Fran L'Heureux and seconded by Richard Conescu.

- 9. Thomas Hartt Sr. (petitioner) and Rivard One Family Trust, Donald Rivard (owner)–** Variance under Section 3.05(1) of the Zoning Ordinance to permit the construction of a 16'x16' carport 3 feet from the side property line setback whereas 15 feet is required. The property lies within the R (Residential) District, located at 20 Stevens Avenue, Merrimack, NH. Tax Map 4C, Lot 410. Case # 2013-12.

Applicant was represented by: Thomas Hartt, Sr., 9 Carrie Drive.

Public comment was received, by letter, from: Aline & James Cashin, Jr., 18 Stevens Avenue; Wendy & Mark Decato, 22 Stevens Avenue; and Lisa & Matthew Duke, 21 Stevens Avenue.

The Board voted 5-0-0 to grant the Variance to permit construction of a carport 12' from the side property line whereas 15 feet is required, on a motion made by Richard Conescu and seconded by Nathan Barry.

- 10. Discussion/possible action regarding other items of concern.**

Phil Straight resumed as Chair.

Discussion only.

- 11. Approval of Minutes – March 27, 2013.**

The minutes of March 27, 2013, were approved as submitted, by a vote of 4-0-1, on a motion made by Fran L'Heureux and seconded by Kevin Shea. Richard Conescu abstained.

- 12. Adjourn.**

The meeting adjourned at 8:47 p.m., by a vote of 5-0-0, on a motion made by Kevin Shea and seconded by Fran L'Heureux.